

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

MICHAEL A. LAURENSEN (SBN: 190023)
NICOLE C. HARVAT (SBN: 200469)
GORDON & REES LLP
Embarcadero Center West
275 Battery Street, Suite 2000
San Francisco, CA 94111
Telephone: (415) 986-5900
Facsimile: (415) 986-8054

Attorneys for Defendants
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA (erroneously sued as
INSTITUTE OF GOVERNMENTAL STUDIES
AT THE UNIVERSITY OF CALIFORNIA AT
BERKELEY) and NICK ROBINSON

KEITH GALIANO
132 Upland Circle
Corte Madera, CA
Telephone: (415) 924-0849

Plaintiff Pro Se

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEITH GALIANO,

Plaintiff,

vs.

INSTITUTE OF GOVERNMENTAL STUDIES AT
THE UNIVERSITY OF CALIFORNIA AT
BERKELEY, an unincorporated association, NICK
ROBINSON, DOES 1-5, inclusive

Defendants.

CASE NO. C07 05557 SBA

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

Date: June 17, 2008

Time: 1:00 p.m.

Courtroom: 3, 3rd Floor

Judge: Hon. Sandra B. Armstrong

Plaintiff KEITH GALIANO and Defendants THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA and NICK ROBINSON hereby submit the following Joint Case Management
Statement:

1. Jurisdiction and Service. Plaintiff asserts federal constitutional claims under 42
U.S.C. § 1983 and supplemental claims under state law. There are no counterclaims. There are
no issues with personal jurisdiction, venue or service.

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

2. Facts. Plaintiff is a graduate of UC Berkeley who made regular use of the Institute of Governmental Studies (IGS) Library, located on campus. On July 16, 2007, after plaintiff asked another patron to be quiet, he was approached by the library's director, Nick Robinson, who told plaintiff that the library preferred that such requests not be made directly to other patrons but presented to library staff. A disagreement ensued, and Mr. Robinson directed plaintiff to leave the library or the police would be called. Plaintiff left as ordered. Plaintiff returned to the library for a short time on July 23, 2007. Upon leaving, he was detained by campus police. When plaintiff produced identification, the police discovered an outstanding bench warrant and arrested him. In an e-mail of October 3, 2007, IGS director Citrin told plaintiff he could use the library but that IGS preferred that requests about quiet and the like be handled by library staff.

3. Factual and Legal Issues.

- Whether the IGS is subject to suit or must be sued as The Regents of the University of California.
- Whether the IGS' policies governing speech by patrons are constitutional.
- Whether plaintiff violated IGS' policy.
- Whether Mr. Robinson's request that plaintiff leave the library violated the Constitution.
- Whether any actions taken by Mr. Robinson upon plaintiff's return to the library violated the Constitution.
- Whether Mr. Robinson is entitled to qualified immunity.
- Whether any conduct by Mr. Robinson violated California Civil Code § 52.1.

The issues may change depending on the nature of the defense offered.

4. Motions. Defendants' Motion to Dismiss will be heard immediately prior to this Conference. If denied, Defendants intend to move for Summary Judgment following discovery. Plaintiff intends to move for partial summary judgment on liability, and for a preliminary injunction, after hearing on the motion to dismiss, irrespective of discovery.

1 5. Amendment of Pleadings. Plaintiff may add individual defendants, depending on the
2 results of discovery. Such addition would not significantly enlarge the issues. Also, plaintiff is
3 attempting to secure counsel, who may wish to add defendants and/or claims.

4 6. Evidence Preservation. Defendants have gathered and preserved documents related to
5 plaintiff's claims. Plaintiff is not in possession of material whose disclosure is required.
6 Plaintiff requests preservation of any communication evidencing any opinion about plaintiff's
7 use of the IGS library.

8 7. Disclosures. The parties will complete their Initial Disclosures following the hearing
9 on Defendants' Motion to Dismiss.

10 8. Discovery. The parties anticipate written discovery and depositions within the limits
11 provided by the FRCP.

12 9. Class Action. Not applicable.

13 10. Related Cases. None.

14 11. Relief. Plaintiff seeks a declaration that the IGS' policies concerning patron
15 complaints are unconstitutional and that plaintiff's free speech rights were violated; preliminary
16 and permanent injunctions against further application of those policies, against further
17 retaliation; and requiring restoration of plaintiff to all library privileges available as of July 16,
18 2007; economic and non-economic damages, statutory damages, statutory penalties; exemplary
19 damages; prejudgment interest; attorney's fees; costs.

20 12. Settlement and ADR. If Defendants' Motion to Dismiss is denied, Defendants are
21 willing to participate in Early Neutral Evaluation (ENE). Plaintiff considers the matter amenable
22 to disposition on summary judgment even before discovery, and asks to postpone any ADR until
23 after hearing on his motion.

24 13. Consent to Magistrate. Plaintiff declined to consent.

25 14. Other References. Not applicable.

26 15. Narrowing of Issues. If Defendants' Motion to Dismiss is denied, Defendants are
27 amenable to discussing narrowing the issues. Plaintiff is unaware of what "narrowing" would
28 entail in this already-quite-simple case.

1 16. Expedited Schedule. A shorter trial calendar is likely possible due to the limited
 2 factual issues. Plaintiff believes that the matter is suitable for trial immediately following
 3 decision on plaintiff's motion for summary judgment, i.e. as early as October 31, 2008.

4 17. Scheduling. The parties propose the following dates:

5 Non-Expert Discovery Cutoff	September 30, 2008
6 Designation of Experts	October 10, 2008
7 Expert Discovery Cutoff	October 24, 2008
8 Dispositive Motions Filed By	November 21, 2008
9 Pretrial Conference	January 16, 2009
10 Trial Date	January 30, 2009

11 18. Trial. Plaintiff requests a jury. Defendant reserves. The parties anticipate three (3)
 12 court days for trial.

13 19. Disclosure of Non-party Interested Entities or Persons. None.

14 Dated: June 6, 2008

15 /s/
 16 KEITH GALIANO
 Plaintiff Pro se

17 Dated: June 6, 2008

GORDON & REES, LLP

18
 19 By: /s/
 20 Michael A. Laurenson
 Attorneys for Defendants
 21 THE REGENTS OF THE UNIVERSITY OF
 22 CALIFORNIA (erroneously sued as
 23 INSTITUTE OF GOVERNMENTAL
 24 STUDIES AT THE UNIVERSITY OF
 25 CALIFORNIA AT BERKELEY) AND NICK
 26 ROBINSON
 27
 28